



General Assembly

January Session, 2005

Amendment

LCO No. 8260

SB0009608260HDO

Offered by:
REP. O'BRIEN, 24th Dist.

To: Subst. Senate Bill No. 96 File No. 757 Cal. No. 618

(As Amended by Senate Amendment Schedules "A", "B" and "C")

"AN ACT CONCERNING GOVERNMENT ADMINISTRATION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) As used in this section and
4 section 2 of this act:

5 (1) "State real property electronic recording system" means a state-
6 wide real property electronic recording system, consisting of
7 information, data bases, hardware, software and all components of
8 each town electronic recording system.

9 (2) "Document" means any instrument, in either electronic or paper
10 form, that creates, transfers, asserts or explains an interest in real
11 estate, including a deed, patent, mortgage, will, lien instrument, grant
12 of easement, affidavit, court order or decree, notice, order of fence
13 viewers and any other instrument that affects an interest in real estate.

14 (3) "Electronic" means relating to technology having electrical,
15 digital, magnetic, wireless, optical or electromagnetic capabilities or
16 similar capabilities.

17 (4) "Electronic document" means a document received for recording
18 in an electronic form.

19 (5) "Electronic signature" means an electronic sound, symbol or
20 process, attached to or logically associated with an electronic
21 document and executed or adopted by a person with the intent to sign
22 the electronic document.

23 (6) "Paper document" means a document printed in paper form.

24 (7) "Town electronic recording system" means any real property
25 electronic recording system that may be maintained by a town in this
26 state, consisting of information, data bases, hardware, software and all
27 components of such system.

28 Sec. 502. (NEW) (*Effective from passage*) (a) There is established an
29 Electronic Recording Commission which shall be within the State
30 Library for administrative purposes only. The commission shall consist
31 of:

32 (1) The Secretary of the State, or a designee;

33 (2) The Chief Information Officer of the Department of Information
34 Technology, or a designee;

35 (3) The Public Records Administrator, or a designee;

36 (4) One member who is a member of the real property section of the
37 Connecticut Bar Association and one member who represents the
38 banking industry in this state, each appointed by the speaker of the
39 House of Representatives;

40 (5) One member who is a town clerk for a municipality that records
41 fewer than ten thousand documents annually and one member who is

42 both a title agent and a commissioner of the Superior Court, each
43 appointed by the president pro tempore of the Senate;

44 (6) One member who represents a title insurance company,
45 appointed by the minority leader of the House of Representatives;

46 (7) One member who is an attorney who represents the mortgage
47 banking industry, appointed by the minority leader of the Senate;

48 (8) One member who is a town clerk for a municipality that records
49 more than ten thousand documents annually, appointed by the
50 majority leader of the House of Representatives; and

51 (9) One member who is a member of the executive committee of the
52 real property section of the Connecticut Bar Association, appointed by
53 the majority leader of the Senate.

54 (b) The members initially appointed under subdivisions (4) and (7)
55 of subsection (a) of this section shall serve for a term of two years from
56 July 1, 2005, and the members subsequently appointed under
57 subdivisions (4) and (7) of subsection (a) of this section shall serve for
58 terms of three years from July first in the year of their appointment.
59 The members appointed under subdivisions (5) and (6) of subsection
60 (a) of this section shall serve for terms of three years from July first in
61 the year of their appointment. Initial appointments under subdivisions
62 (4) to (7), inclusive, of subsection (a) of this section shall be made not
63 later than sixty days after the effective date of this section. Vacancies
64 on the commission shall be filled by the appointing authority. The
65 commission shall elect a chairperson and a vice-chairperson from
66 among its members. Members of the commission shall serve without
67 compensation but shall, within the limits of available funds, be
68 reimbursed for expenses necessarily incurred in the performance of
69 their duties.

70 (c) The Electronic Recording Commission shall submit
71 recommendations to the General Assembly for standards to be used in
72 the development, implementation and operation of a state real

73 property electronic recording system. Such recommended standards
74 shall set forth:

75 (1) The manner and format in which an electronic document shall be
76 submitted, received, returned, stored and retrieved, and specifications
77 for the systems established for such purposes;

78 (2) The type of electronic signature required, the manner, format
79 and technological processes in which an electronic signature shall be
80 affixed to an electronic document, the manner, format and
81 technological processes for certifying authorities for such electronic
82 signatures, and the identity of, or criteria that shall be met by, any
83 third party used by town clerks to facilitate the process of affixing
84 electronic signatures and filing electronic documents. Such formats
85 and technological processes shall be capable of assuring that (A) the
86 party indicated to have signed an electronic document is the party who
87 actually signed the electronic document, and (B) the electronic
88 document and its electronic signature have been electronically sealed
89 to protect the document and signature from being changed after
90 execution;

91 (3) Processes and procedures to ensure (A) adequate preservation,
92 disposition, integrity, security and confidentiality of electronic
93 documents, and (B) the ability to adequately audit electronic
94 documents;

95 (4) Any other attributes for electronic documents that are required
96 by law for corresponding paper documents or reasonably necessary
97 for the purpose of filing such electronic documents;

98 (5) The manner and format in which an electronic version of a paper
99 document shall be created;

100 (6) Qualifications for town clerks and other authorized persons who
101 enter information into a state real property electronic recording
102 system, and procedures for the commission's determination as to
103 whether such qualifications are met;

104 (7) Standards concerning the qualifications of persons authorized to
105 submit documents into a state real property electronic recording
106 system and the regulation of such persons;

107 (8) The procedure for payment of recording fees required under
108 section 7-34a of the general statutes by electronic funds transfer;

109 (9) The procedure for searching for real estate information in a state
110 real property electronic recording system;

111 (10) The procedure for paying fees and conveyance taxes on a
112 document recorded electronically including the procedure for paying
113 by credit card;

114 (11) Such fee schedule for remote access searches for real estate
115 information in a state real property electronic recording system as the
116 commission may establish, and procedures for the collection and
117 allocation of any such fees by and among town clerks; and

118 (12) Any other requirements or procedures necessary for the
119 development, implementation or operation of a state real property
120 electronic recording system.

121 (d) Not later than February 1, 2006, the Electronic Recording
122 Commission shall submit proposed legislation to implement the
123 recommendations made pursuant to subsection (c) of this section to the
124 joint standing committees of the General Assembly having cognizance
125 of matters relating to the preservation of land records and matters
126 relating to real estate law."